

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :  
REVOCATION OF THE LICENSE OF :  
:   
NANCY I. AYARS, L.P.N. : ADMINISTRATIVE ACTION  
License No. 26NP03807400 :   
:   
: FINAL ORDER OF  
: DISCIPLINE  
TO PRACTICE NURSING IN THE STATE :  
OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Nancy I. Ayars ("Respondent") is a licensed practical nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on February 4, 2012 by the Mantua Township Police Department for two counts of Possessing Marijuana Under 50 Grams, N.J.S.A. 2C:35-10(a)(4), the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in

Vineland, New Jersey, via regular and certified mail on or about February 6, 2012. A response was due within twenty (20) days. The regular mailing was not returned; the certified receipt was signed by a third party on February 9, 2012.

3. Respondent failed to respond to the Board's request for information concerning the February 4, 2012 arrest.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information and/or failure to provide the Board with a valid address of record constitute a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice medicine and surgery in the State of New Jersey was entered on April 25, 2012, and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be

modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Respondent replied to the Provisional Order of Discipline by explaining that she had moved and that her ex-husband had not forwarded her mail to her. Respondent had failed to notify the Board of her change of address pursuant to N.J.A.C. 13:37-5.7. Respondent apologized for the delay and provided the Board with all the information originally requested in the letter of inquiry. Additionally, Respondent included payment of the two hundred dollar (\$200.00) civil penalty.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration on the issue of Respondent's duty to cooperate, as respondent did not dispute the Findings of Fact or Conclusions of Law. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension was no longer warranted. However, the Board determined that Respondent's original failure to provide the Board with the requested information, thereby necessitating the filing of a Provisional Order of Discipline and review of Respondent's reply

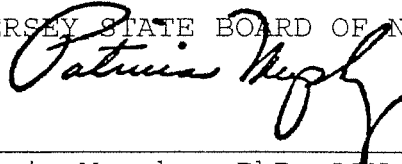
months later, warrants imposition of the two hundred dollar (\$200.00) civil penalty.

ACCORDINGLY, IT IS on this 13<sup>th</sup> day of August, 2012,  
ORDERED that:

1. A civil penalty in the amount of \$200.00 is hereby imposed upon Respondent, payment of which has been received.

2. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING



By: \_\_\_\_\_

Patricia Murphy, PhD, APRN  
President